

**DECISION**  
**OF THE GOVERNMENT OF THE RUSSIAN FEDERATION**  
**NO. 1098 OF SEPTEMBER 26, 1994**  
**ON THE APPROVAL OF REGULATIONS FOR CONTROL OVER**  
**THE EXPORT FROM THE RUSSIAN FEDERATION OF AGENTS OF DISEASES (PATHOGENS)**  
**OF MAN, ANIMALS AND PLANTS, THEIR GENETICALLY MODIFIED FORMS AND**  
**FRAGMENTS OF GENETIC MATERIAL AND EQUIPMENT WHICH CAN BE USED IN**  
**THE DEVELOPMENT OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIC WEAPONS**  
**(with the Amendments and Additions of December 11, 1997, April 5, 1999)**

*Decision of the Government of the Russian Federation No. 634 of August 29, 2001 abolished this Decision as of the day of coming into force of Decree of the President of the Russian Federation No. 1004 of August 8, 2001*

*Decision of the Government of the Russian Federation No. 1548 of December 11, 1997 replaced the words "the Commission for the Export Control of the Russian Federation under the Government of the Russian Federation" with relevant preposition, if any, with the words: "the Governmental Commission for the Export Control of the Russian Federation" with relevant preposition, if any, in the text of this Decision*

In conformity with the Order of the President of the Russian Federation No. 298-rp of June 14, 1994 on Control over the Export from the Russian Federation of Agents of Diseases (Pathogens) of Man, Animals and Plants, Their Genetically Modified Forms and Fragments of Genetic Material and Equipment Which Can Be Used in the Development of Bacteriological (Biological) and Toxic Weapons, the Government of the Russian Federation resolves:

**1.** To approve the appended Regulations for Control over the Export from the Russian Federation of Agents of Diseases (Pathogens) of Man, Animals and Plants, Their Genetically Modified Forms and Fragments of Genetic Material and Equipment Which Can Be Used in the Development of Bacteriological (Biological) and Toxic Weapons.

**2.** The Governmental Commission for the Export Control of the Russian Federation, the Ministry of Foreign Economic Relations of the Russian Federation and the State Customs Committee of the Russian Federation shall be obliged to organize control over the export from the Russian Federation of Agents of Diseases (Pathogens) of Man, Animals and Plants, Their Genetically Modified Forms and Fragments of Genetic Material and Equipment Which Can Be Used in the Development of Bacteriological (Biological) and Toxic Weapons.

**3.** To recognize as invalid the Decision of the Government of the Russian Federation No. 892 of November 20, 1992 on the Approval of the Regulations for Control over the Export from the Russian Federation of Agents of Diseases, Their Genetically Modified Forms and Fragments of Genetic Material Which Can Be Used in the Development of Bacteriological (Biological) and Toxic Weapons (Collected Acts of the President and the Government of the Russian Federation, No. 22, 1992, Item 1885).

Chairman of the Government  
of the Russian Federation

Viktor Chernomyrdin

**REGULATIONS**  
**FOR CONTROL OVER THE EXPORT FROM THE RUSSIAN FEDERATION OF AGENTS**  
**OF DISEASES (PATHOGENS) OF MAN, ANIMALS AND PLANTS, THEIR GENETICALLY**  
**MODIFIED FORMS AND FRAGMENTS OF GENETIC MATERIAL AND EQUIPMENT**  
**WHICH CAN BE USED IN THE DEVELOPMENT OF BACTERIOLOGICAL (BIOLOGICAL)**  
**AND TOXIC WEAPONS**

(Approved by the Decision of the Government of the Russian Federation  
No. 1098 of September 26, 1994)

**(with the Amendments and Additions of December 11, 1997, April 5, 1999)**

*Decision of the Government of the Russian Federation No. 1548 of December 11, 1997 replaced the words "the Commission for the Export Control of the Russian Federation under the Government of the Russian Federation" with relevant preposition, if any, with the words: "the Governmental Commission for the Export Control of the Russian Federation" with relevant preposition, if any, in the text of this Decision*

**1.** The present Regulations define the complex of measures of control over the export (transfer or exchange) from the Russian Federation of agents of diseases, their genetically modified form and fragments of genetic material and also equipment, which can be employed in the development of bacteriological (biological) and toxic weapons (hereinafter referred to as the agents of diseases and equipment of dual function), indicated in the List of agents of diseases (pathogens) of man, animals and plants, their genetically modified forms and fragments of genetic material and equipment which can be employed in the development of bacteriological (biological) and toxic weapons whose export is controlled and realized under licenses approved by the Order of the President of the Russian Federation No. 298-rp of June 14, 1994 (hereinafter referred to as the List).

**2.** The requirements of the present Regulations shall extend to all the transactor units placed under the jurisdiction of the Russian Federation, regardless of the forms of property.

**3.** The disease agents and equipment of dual function included in the List shall be prohibited by UN decisions for the export and re-export from the Russian Federation to the States which violate the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on Their Destruction of April 10, 1972 and the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare of June 17, 1925.

In case of discovery of violation by importer countries of said international acts or of default on their obligations, the contract (agreement or treaty) shall be subject to conciliation.

**4.** Control over the export of disease agents and equipment of dual function provides for the following:

- the preparation and issue of a conclusion on the possibility of the export of disease agents and dual-function equipment, given in the List;
- the licensing of the export of disease agents and dual-function equipment;
- customs control and customs clearance of the export of disease agents and dual-function equipment.

**5.** Upon the conclusion by the transactor units of the Russian Federation of contracts (agreements or treaties) for the export (transfer or exchange) of disease agents and dual-function equipment included in the List, from the Russian Federation, the contract (agreement or treaty) shall indicate without fail the following: end users; the purpose of the use of exported goods; the importer's obligations guaranteeing the use of disease agents and dual-function equipment for the declared purposes, not associated directly or indirectly with the production of bacteriological (biological) and toxic weapons; the importer's obligations guaranteeing that disease agents and dual-function equipment will not be used as bacteriological (biological) and toxin weapons and will be neither re-exported or transferred to anybody without the written permit of the exporter.

The obligations shall be specially completed by the importer in the authorized government body of the importing country for every concrete transaction for the delivery of each item of export (transfer or exchange) included in the List, in the form of an international (national) import certificate or its analogue, and in the absence of a procedure for drawing up an import certificate - in the form of a document containing said obligations with a certified translation into Russian.

If the importer is a middleman, then the respective obligations of the end user shall be specially registered for every concrete deal for the delivery of each item of export (transfer or exchange) included in the List, in the form of a certificate of the end user or of a different document containing the obligations of the end user.

The said documents containing obligations shall be forwarded to the Governmental

Commission for the Export Control of the Russian Federation (Export control of Russia).

[Decision of the Government of the Russian Federation No. 374 of April 5, 1999 amended Item 6 of these Regulations](#)

[See the previous text of the Item](#)

**6.** The export (transfer or exchange) of disease agents and dual-function equipment included in the List, shall be licensed in all types of foreign economic activity, including direct production, scientific and technical relations, coastal and border trade, and barter operations in keeping with the present Regulations.

Disease agents and dual-function equipment, included in the List, shall be exported (transferred or exchanged) only under non-recurrent licenses issued by the Ministry of Foreign Economic Relations of the Russian Federation.

The conclusion given by Export control on the possibility of the export (transfer or exchange) of disease agents and dual-function equipment shall be the basis for the issue of a license.

In order to get a conclusion on the possible export (transfer or exchange) of each particular disease agent or each unit of dual-junction equipment, the exporter shall submit to the Federal Currency and Export Control Service of Russia the following documents:

an application for the issue of a license completed in keeping with the requirements of the Ministry of Foreign Economic Relations;

a certified copy of the contract (agreement or treaty) for the export (transfer or exchange) of a disease agent or dual-function equipment;

a certified copy of the contract (agreement or treaty) concluded between the Russian manufacturer and the exporter (if the disease agent or dual-function equipment is exported through a mediator);

originals of documents containing the obligations of the importer, the end user and the authorized state body of the importing country, provided for by [Item 5](#) of the Regulations;

a certified copy of the factory certificate of the culture of disease agents or toxin.

The Federal Currency and Export Control Service of Russia shall have the right to inquire and obtain additional information and documents needed for the preparation of conclusions.

In case of necessity the conclusion shall be agreed upon with the Ministry of Public Health of the Russian Federation or the Ministry of Agriculture and Food-stuffs of the Russian Federation.

A conclusion on possible export shall be issued within 20 days after the receipt of the above-listed documents and shall be forwarded by the Federal Currency and Export Control Service of Russia to the Ministry of Foreign Economic Relations of the Russian Federation and the applicant.

The Ministry of Foreign Economic Relations of the Russian Federation shall send to the Federal Currency and Export Control Service of Russia information (in agreed form) about the licenses for the right to export disease agents and dual-function equipment, issued on the basis of the conclusions of the Export control of Russia.

**7.** A permit for the re-export of disease agents and dual-function equipment imported from the Russian Federation by importing countries shall be issued to Russian exporters on the basis of the conclusion of the Export control of Russia on possible re-export.

For this purpose, the Russian exporter shall submit to the Federal Currency and Export Control Service of Russia. Certified copies of the contract, concluded by the foreign importer with a third person which contains the conditions provided for by [Item 5](#) of the Regulations, and of the document containing the contractual obligations, which has been completed in the authorized state body of the country of third person in the form of an international (national) import certificate or any other document envisaged by its national legislation.

**8.** The temporary exportation of dual-function equipment to be bound in the List beyond the bounds of the Russian Federation for demonstration in exhibitions, fairs and for advertisement purposes shall be effected without a license, on the basis of the Export conclusions.

To get a conclusion on possible temporary exportation the following documents shall be sent to the Federal Currency and Export Control Service of Russia:

- the application which indicates the name of the item of exportation (with an indication of CC FEA Code number), its quantity, the purpose and nature of the use of the item, the country of destination, the name of an exhibition (fair), the place of use of the item, the period the exported item is to be found abroad, the denomination and address of the Russian exporting organization, foreign contracting parties, and the name of the customs agency which will clear the item;

- the obligations of the Russian exporting organization to import the item back.

The application shall be appended with the original or certified copies of the documents, on the strength of which dual-junction equipment is to be brought out (the invitation to take part in an exhibition or fair, the contract or agreement with a foreign company or organization).

A conclusion on possible temporary exportation shall be issued within 20 days after the receipt of the properly completed above-listed documents.

The conclusion shall be sent by the Federal Currency and Export Control Service of Russia to the applicant and thereupon presented to the state body referred to in the conclusion, and to the State Customs Committee of the Russian Federation.

[Decision of the Government of the Russian Federation No. 374 of April 5, 1999 amended Item 9 of these Regulations](#)

[See the previous text of the Item](#)

**9.** In case of emergency relief given to foreign countries in connection with force-majeure circumstances caused by the danger of mass casualties of people, animals and plants, the Export-control of Russia shall prepare its conclusions on the possible export (transfer) of the cultures of disease agents or toxins, while the Ministry of Foreign Economic Relations of the Russian Federation shall issue licenses for their delivery in the shortest possible time.

In this case, the basis for a conclusion on possible export (transfer) may be the official address by the head of the importing State to the President of the Russian Federation or the Government of the Russian Federation, in which he asks to receive promptly the necessary cultures of disease agents or toxins, and indicates the purpose of their application, and assumes the obligation to use them in stated aims alone, and the decision of the President of the Russian Federation or the Government of the Russian Federation to give emergency aid.

The Ministry of Public Health of the Russian Federation or the Ministry of Agriculture and Foodstuffs of the Russian Federation shall send the following documents to the Federal Currency and Export Control Service of Russia:

- the address of the head of a foreign State;

- decision of the President of the Russian Federation or the Government of the Russian Federation on rendering emergency aid;

- the application indicating the names of the cultures of disease agents or toxins (with an indication of the CC FEA code number), the volume of delivery, the purpose of the exportation of the cultures of disease agents or toxic and the nature of their use, the country of destination, the place (places) of use, the denomination and address of the Russian exporting organization, and the name of the customs agency which will clear the exported cultures of disease agents or toxins;

- the certified copy of the factory certificate of the culture of the disease agent or toxin.

A conclusion on possible export (transfer) shall be issued within three days after the receipt of the properly completed above-listed documents.

The conclusion shall be sent by the Federal Currency and Export Control Service of Russia to the Ministry of Foreign Economic Relations of the Russian Federation and the Russian exporting organization to be submitted to the authorized representative of the Ministry of Foreign Economic Relations of the Russian Federation in the respective region and to get a license completed.

Licenses for the exportation of the cultures of disease agents or toxins shall be issued by the Ministry of Foreign Economic Relations on the basis of Export conclusions within two days since the time of the submission of an application for a license. When disease agent cultures or toxins are delivered, no payment for the issue of licenses shall be made by way of gratuitous assistance.

**10.** The disease agents and dual-function equipment included in the List and moved beyond the

Russian Federation shall be subject to obligatory customs clearance in the statutory manner.

The exporter shall present to the respective customs agency the received license, which serves as a basis for the passage of an item beyond the limits of the Russian Federation.

The exporter shall submit to the customs agency the respective conclusion of the Export of Russia in case of temporary exportation of dual-function equipment.

The State Customs Committee of the Russian Federation shall submit to the Federal Currency and Export Control Service of Russia information (in agreed form) about the exportation beyond the Russian Federation of disease agents and dual-function equipment (and of the reverse importation of equipment in case of its temporary exportation), for which conclusions and licenses have been issued, as stipulated by [Items 6, 8](#) and [9](#) of the present Regulations.

**11.** Materials and equipment (units), which constitute a state secret, shall be exported beyond the limits of the Russian Federation in accordance with the requirements of the [Law](#) of the Russian Federation on State Secrets.

**12.** Persons exporting disease agents and dual-function equipment who violate the order prescribed by the present Regulations shall bear responsibility in keeping with the legislation of the Russian Federation.